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Comments to Appendix F
Uniform Certification Application
49 CFR Part 26
66 F. R. 23208 - 23227

The comments of the Louisiana Uniform Certification Committee (includes representatives from FHWA, FTA, and FAA recipients) are as follows.

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1. **Section 26.67(a)(2)(ii)(B)** – We disagree with the alternative option and have determined that it is absolutely necessary to have reliable documentation. Utilizing the judgment of a person who is paid by the applicant and substituting their judgment in regards to PNW in place of the certifying officer will create more room for fraud. Our experience is that these professionals are sometimes very happy to sign most documents requested by the client. Further, the applicant could request an affidavit from someone who does not have extensive knowledge of all financial items.
2. **Section 26.84(f)** – The ability to certify firms with new products is critical to building an available pool of DBE firms, especially in new and emerging industries. It is also not appropriate to put the certifying officer in the shoes of a planner and leave it up to that person to determine what may be needed by the recipient in two or three years.

Page 23216 – Uniform Reporting Requirements Form

3. **Question 8** – Please clearly state methodology for calculating race conscious and race neutral goals.
4. **Question 11** – Need uniform use of either Black American or African American (see page 23221).
5. **Question 11** - The way the chart is designed necessitates the tracking of at least 13 possible groups i.e. Black American total, Black American Female, Hispanic American Total, Hispanic American Female, Native American Total, Native American Female, etc.). Since this is not a MBE/WBE program this should not be necessary. Further, the design may be confusing to some recipients and promotes double, over and undercounting.

6. **Questions 12 and 13** - The reporting form asks for a dollar amount that the recipient has verified as being paid in a contract that is being closed out in the target period. In our opinion, there are two problems. First, the form seeks to quantify something that is qualitative. It will be virtually impossible to verify a dollar calculation for race neutral accomplishments. Further, the majority of race neutral activities are usually accomplished before contract award (outreach, education and training, for example). Second, the form will not adequately capture a listing of all the items that will go into race neutral measures for a multi year project.

Page 23216 – Instructions To Uniform Reporting Requirements Form

7. Specify whether this form will also be used for concessions. If it will be, then significant additions should be made.

Page 23219 – Roadmap for Applicants

8. **Section 1/Second Checkbox** – Add the maximum annual gross income for concessionaires.
9. **Checklist/All Applicants/Tenth Checkbox** – All businesses should provide a current (within 90 days) balance sheet, not just new firms.

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10. **Section 1(a)** – The checkboxes are laid out in a confusing manner. Remove the line between the last two checkboxes and Stop!
11. **Section 3/First Line** – Add (s) to code, “NAICS code(s).
12. **Section 3/First Line** – Include a reference site for the applicant to find a listing of the NAICS codes.

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13. **Section 3(4)** – Make reference to blacks uniform with either African-American (page 23221) or Black American (page 23216 #11).

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14. **Question 11** - Add “including lines of credit”.

Other

15. We recommend that a Confidentiality Statement be added to the application although the guidelines specifically provide that financial information is to be kept confidential.
16. Information on the PNW that has been set for concessionaires should also be included where applicable.